

NEWS RELEASE

Office of Attorney General Terry Goddard



STATE OF ARIZONA
DEPARTMENT OF LAW
1275 W. Washington Street
Phoenix, Arizona 85007-2926

CONTACT:
Robert A. Zumoff
(602) 542-7722
Craig W. Soland
(602) 542-7761

FOR IMMEDIATE RELEASE

GODDARD FILES CONSUMER FRAUD ACTION AGAINST BULLETPROOF VEST MANUFACTURER

Attorney General Terry Goddard announced today that his office has filed an enforcement action against Second Chance Body Armor, Inc., for violation of Arizona's Consumer Fraud Act. The complaint charges Second Chance with deception in the advertising and sale of bulletproof vests manufactured with "Zylon®" fiber, which Second Chance warranted to provide protection for five years. "Second Chance knew early that Zylon® degrades rapidly and permanently when exposed to such common conditions as high humidity and heat, fluorescent light and sunlight," said Goddard. "Second Chance failed to disclose this information or even warn its customers about the conditions known to cause degradation."

The problems with Zylon® came to light in June 2003, when a Forest Hills, Pennsylvania police officer was seriously injured by a .40 caliber bullet that passed through his Second Chance "Ultima®" vest. In the wake of this and other events, Second Chance informed its customers that it had discontinued two Zylon® models, the Ultima® and the Ultimax®, on the grounds that it had discovered an "unexpected decrease in Zylon® fiber strength." "In fact," said Goddard, "Second Chance was well aware long before the Forest Hills incident that Zylon® suffered substantial degradation problems, but continued to sell those vests without warning its customers."

Although Second Chance has offered its Ultima® and Ultimax® customers a choice between free "upgrades" to the vests and price discounts on non-Zylon replacement vests, the Attorney General's complaint seeks a full refund of the purchase price of the Zylon vests. According to Goddard, the "upgrade packs" are not certified by the National Institute of Justice and therefore provide inadequate assurance of protection. While Second Chance permits customers to "trade in" the Ultima® and Ultimax® vests still in warranty for lower-cost non-Zylon models, Second Chance only allows partial "credit" on the trade in. In other words, "even though Second Chance sold bulletproof vests it now acknowledges may be defective, Second Chance requires its customers to pay additional money before Second Chance will supply a functional vest." Another major problem, according to Goddard, is that Second Chance continues to sell the "Tri-Flex®," a "hybrid" vest that uses Zylon® and other materials to provide ballistic protection. While there have been no recorded failures of the Tri-Flex®, according to Goddard, "knowing what we now know about Zylon®, it is unacceptable that Second Chance should be permitted to sell Tri-Flex® vests in Arizona without having to demonstrate to a court that the Tri-Flex® will provide protection."

Among other things, the Attorney General's complaint seeks to: (i) force Second Chance to refund the full price of all Zylon® vests purchased since July 1998; (ii) prevent Second Chance from selling any Zylon® body armor in Arizona (including the Tri-Flex®) until Second Chance has established to the satisfaction of the Court that the body armor will protect the wearer throughout the period for which the armor is warranted; and (iii) impose a penalty of up to \$10,000 for each willful violation of the Consumer Fraud Act.